



**Louisiana Board of Pharmacy**  
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# Minutes

**Regular Meeting**

Thursday, February 8, 2001 at 8:30 a.m.

University Conference Center  
University of Louisiana at Monroe  
4100 Northeast Drive  
Monroe, Louisiana 71209

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A regular meeting of the Louisiana Board of Pharmacy was held on Thursday, February 8, 2001 in the University Conference Center, located on the 7<sup>th</sup> Floor of the Library at the University of Louisiana at Monroe. The meeting was held pursuant to public notice,

each member received notice, and notice was properly posted.

*1. Call to Order*

Mr. Carl Aron, President, called the meeting to order at 8:30 a.m.

*2. Invocation*

Mr. Aron called upon Ms. Ruth Jean, and she delivered the invocation.

*3. Pledge of Allegiance*

Following the invocation, Mr. Morris Rabb led the group in the recitation of the Pledge of Allegiance.

*4. Quorum Call*

Mr. Aron called upon the Secretary, Mr. Reuben Dixon, to call the roll. After doing so, Mr. Dixon stated that a quorum of the Board was present.

**Present:**

Mr. Carl W. Aron  
Mr. Philip C. Aucoin  
Mr. B. Belaire Bourg  
Mr. Reuben R. Dixon  
Mr. Joseph L. Adams  
Ms. Lois R. Anderson  
Mr. Brian A. Bond  
Mr. Clovis S. Burch  
Mr. Wayne A. Camp  
Mr. Theodore S. Carmichael  
Mr. Salvatore J. D'Angelo  
Ms. Ruth C. Jean  
Mr. Jeffrey M. Landry  
Mr. Marty R. McKay  
Mr. Richard J. Oubre  
Mr. T. Morris Rabb

**Absent:**

Mr. Larry J. Lantier, Jr.

**Present by Board Invitation:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. Stephen L. Collins, Inspector  
Mr. H. Jerome Foti, Inspector  
Ms. Kathleen V. Gaudet, Inspector  
Mr. W. Jerry Johnson, Inspector

Mr. Aron noted the presence of many guests, consisting primarily of the student body and faculty from the ULM College of Pharmacy. He indicated the Board members would explain the different aspects of the Board meeting as they progressed, and he

urged the students to ask questions as they arose.

*5. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items. Mr. Bourg indicated he would request a reconsideration of a decision rendered at the last Board meeting, relative to a request for an exception from the Pharmacy Department at the Northeast Louisiana War Veterans Home. Hearing no objections, Mr. Aron accepted the request, and indicated he would place the matter on the agenda during the report of the Executive Committee.

At this point Mr. Aron requested the authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. Mr. Aucoin moved, and Mr. Camp seconded, that

**Resolved**, that the President may reorder the agenda with respect to the sequence of committee reports as necessary.

The motion was approved after a unanimous vote in the affirmative.

*6. Consideration of Minutes*

Mr. Aron reminded the Board members that they had received the draft minutes from the last meeting in their advance-meeting packet; he then requested any changes. Hearing no corrections, Mr. D'Angelo moved, and Mr. Dixon seconded, that

**Resolved**, that the Minutes of the Regular Board Meeting of November 28, 2000 and the Administrative Hearing of November 29, 2000, both held in Baton Rouge, Louisiana, are hereby adopted, ratified, and approved in their entirety.

The motion was approved after a unanimous vote in the affirmative. Mr. Dixon then reminded the Board members to sign the Book of Minutes.

*7. Report on Action Items*

Mr. Aron asked Mr. Broussard to report on the action items from the November 2000 Board meeting. Mr. Broussard reminded the Board that none were assigned.

*8. Confirmation of Acts*

At the request of Mr. Aron, Mr. Bourg moved, and Mr. Dixon seconded, that

**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 28, 2000 are approved, adopted, and ratified by the entire Board.

The motion was approved after a unanimous vote in the affirmative.

*9. Committee Reports*

*A. Finance Committee*

Mr. Aron called upon Mr. Carmichael for the committee report. Mr. Carmichael directed the members to the Interim Budget Performance Report from December 31, 2000, which was contained in their meeting packet. Mr. Carmichael explained the various sources of revenue and related them to the operational requirements of the Board office. He responded to several

questions, from both Board members and invited guests. At the conclusion of his presentation, Mr. Carmichael moved, and Mr. Aucoin seconded, that

**Resolved**, that the Board accept the report of the Finance Committee, subject to further audit.

The motion was approved after a unanimous vote in the affirmative.

*B. Examination/Technician Committee*

Mr. Aron called upon Mr. Burch for the committee report. Mr. Burch noted that the committee had not met since the last Board meeting. He then presented data from the NAPLEX, MPJE, DSM, and PTCB examinations. In particular, he praised the faculty for their part in preparing recent graduates, as reflected in the 100% pass rate for ULM graduates taking the NAPLEX in the last three months of 2000. With no further discussion, Mr. Burch moved, and Mr. Camp seconded, to accept the committee report. The motion was approved after a unanimous vote in the affirmative.

*C. Reinstatement Committee*

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb presented the following files for Board action:

**Millard Darnell Collins (Pharmacist License No. 11033)** Mr. Rabb moved, and Mr. Dixon seconded, to grant the request for automatic reinstatement, following the completion of these terms: (1) Respondent shall successfully pass the Multistate Pharmacy Jurisprudence Examination (MPJE) prior to December 31, 2001. (2) Respondent shall obtain prior to December 31, 2001, five hundred (500) hours of updated practical experience under a Special Work Permit that shall be requested in writing by both the Pharmacist-in-Charge and the Respondent to the Board office. This practical experience shall be obtained in a Board-approved pharmacy. Respondent shall submit to the Board office documentation of successful completion of said hours, along with a letter of competency of Respondent to practice pharmacy from the supervising pharmacist. The motion was approved after a unanimous vote in the affirmative. The Board ordered the license reinstated following the completion of certain terms as identified in the Board Order.

**Mark Randall Johnson (Pharmacist License No. 13210)** Mr. Rabb moved, and Mr. McKay seconded, to grant the request for automatic reinstatement, following the completion of these terms: (1) Respondent shall successfully pass the Multistate Pharmacy Jurisprudence Examination (MPJE) prior to December 31, 2001. (2) Respondent shall obtain prior to December 31, 2001, one thousand (1,000) hours of updated practical experience under a Special Work Permit that shall be requested in writing by both the Pharmacist-in-Charge and the Respondent to the Board office. This practical experience shall be obtained in a Board-approved pharmacy. Respondent shall submit to the Board office documentation of successful completion of said hours, along

with a letter of competency of Respondent to practice pharmacy from the supervising pharmacist. (3) Respondent shall pay the Administrative Hearing fee of \$250 no later than February 7, 2001. The motion was approved after a unanimous vote in the affirmative. The Board ordered the license reinstated following the completion of certain terms as identified in the Board Order.

*D. Reciprocity Committee*

Mr. Aron called upon Mr. Aucoin for the committee report, and he introduced the name of the reciprocity candidate as well as the results of the committee deliberations. Mr. Aucoin moved, and Mr. Burch seconded, that

**Resolved**, that the following candidate be approved for licensure by reciprocity:

Andrew Graham

The motion was approved after a unanimous vote in the affirmative.

*E. Impaired Committee*

Mr. Aron called upon Mr. Bourg for the committee report, and he introduced the following files for Board action:

**Edward Earl Bryan (Pharmacist License No. 9928)** Mr. Bourg moved, and Mr. Carmichael seconded, to accept the voluntary surrender of the license, which was tendered on August 25, 2000, and which contained the following admissions: (1) Respondent fully and voluntarily admits to violations of unprofessional conduct and violating or attempting to violate provisions of the Louisiana Pharmacy Laws. (2) Respondent waives his rights to an administrative hearing and submits the matter upon the record and tenders his current year's pharmacist registration and wallet identification card to the Board. (3) Respondent further acknowledges that he shall not practice or assist in the practice of pharmacy in the State of Louisiana or any other state until his license is reinstated by the Board, and that he will be allowed to petition the Board for reinstatement at a future administrative hearing. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, beginning August 25, 2000.

**Clay Devoe Jones (Pharmacist License No. 15687)** Mr. Bourg moved, and Mr. Aucoin seconded, to accept the voluntary surrender of the license, which was tendered on November 22, 2000, and which contained the following admissions: (1) Respondent waives his rights to an administrative hearing and tenders his current year's pharmacist registration and wallet identification card to the Board. (2) Respondent acknowledges that this voluntary surrender does not resolve any anticipated or pending disciplinary matters, and that the Board can and may take further disciplinary action against him to resolve any anticipated or pending matters. (3) Respondent further acknowledges that he shall

not practice or assist in the practice of pharmacy in the State of Louisiana or in any other state until any disciplinary actions pending or anticipated against him before the Board has been concluded, and that he will be allowed to petition the Board for reinstatement at a future administrative hearing. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, beginning November 22, 2000.

**Jerry Dale Walters (Pharmacist License No. 16806)** Mr. Bourg moved, and Mr. D'Angelo seconded, to accept the voluntary surrender of the license, which was tendered on January 29, 2001, and which contained the following admissions: (1) Respondent waives his rights to an administrative hearing and tenders his current year's pharmacist registration and wallet identification card to the Board. (2) Respondent acknowledges that this voluntary surrender does not resolve any pending or anticipated disciplinary matters, and that the Board can and may take further disciplinary action against him to resolve any pending or anticipated disciplinary matters. (3) Respondent further acknowledges that he shall not practice or assist in the practice of pharmacy in the State of Louisiana or any other state until any disciplinary actions, pending or anticipated, against him before the Board has been concluded, and that he will be allowed to petition the Board for reinstatement at a future administrative hearing. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, beginning January 29, 2001.

**Heather Dawn Richard (Technician Certificate No. 4061)** Mr. Bourg moved, and Mr. Camp seconded, to accept the voluntary surrender of the certificate, which was tendered on January 30, 2001, and which contained the following admissions: (1) Respondent waives her rights to an administrative hearing and tenders her current year's technician certificate renewal and wallet identification card to the Board. (2) Respondent acknowledges that this voluntary surrender does not resolve any pending or anticipated disciplinary matters, and that the Board can and may take further disciplinary action against her to resolve any pending or anticipated disciplinary matters. (3) Respondent further acknowledges that she will not practice or assist in the practice of pharmacy in the State of Louisiana or any other state until any disciplinary actions, pending or anticipated, against her before the Board has been concluded, and that she will be allowed to petition the Board for reinstatement at a future administrative hearing. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, beginning January 30, 2001.

**Eugene Wayne Dial (Intern Registration)** Mr. Bourg moved, and Ms. Anderson seconded, to accept the voluntary surrender of the registration, which was tendered on October 2, 2000, and which contained the

following admissions: (1) Respondent fully and voluntarily admits to violations of unprofessional conduct and violating or attempting to violate provisions of the Louisiana Pharmacy Laws. (2) Respondent waives his rights to an administrative hearing and submits the matter upon the record, and tenders his current year's current registration and wallet identification card to the Board. (3) Respondent acknowledges that he shall not practice or assist in the practice of pharmacy in the State of Louisiana or any other state until his registration is reinstated by the Board, and that he will be allowed to petition the Board for reinstatement at a future administrative hearing. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the registration, beginning October 2, 2000.

**Leo Gerard Riche (Pharmacist License No. 14961)** Mr. Bourg moved, and Mr. Burch seconded, to automatically reinstate the license, subject to the following conditions: (1) Respondent shall submit to the Board office copies of certificates documenting the successful completion of a minimum of fifteen (15) hours of ACPE approved continuing education for the calendar year 2000, and (2) Respondent shall pay to the Board the Administrative Hearing Fee of \$250 no later than February 7, 2001; and further, upon the reinstatement of the license, to immediately place it on probation for five years, subject to the following terms of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of the impairment. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed by Dr. Douglas W. Cook. Respondent shall maintain monthly documentation of compliance with this aftercare program, including AA/NA meetings attended and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent shall maintain perpetual inventory of all Schedule II controlled dangerous substances and shall submit totals to the Board upon request. (7) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board, and have the results submitted to the Board office. Any positive drug screen result may be grounds for sanctions by the Board. (8) Respondent is prohibited from holding the position of Pharmacist-in-Charge. The motion was approved after a unanimous vote in the affirmative. The Board ordered the license reinstated upon the successful completion of certain terms, and then immediately placed the reinstated license on probation for five years, subject to certain terms as identified in the Board Order.



**Salvadore Joseph Russo, Jr. (Pharmacist License No. 10667)** Mr. Bourg moved, and Mr. Camp seconded, to automatically reinstate the license, subject to the following conditions: (1) Respondent shall submit to the Board office copies of certificates documenting the successful completion of a minimum of fifteen (15) hours of ACPE approved continuing education for the calendar year 2000, and (2) Respondent shall pay to the Board the Administrative Hearing Fee of \$250 no later than February 7, 2001; and further, upon the reinstatement of the license, to immediately place it on probation for five years, subject to the following terms of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of the impairment. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed by Dr. A. Kenison Roy. Respondent shall maintain monthly documentation of compliance with this aftercare program, including AA/NA meetings attended and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent shall maintain perpetual inventory of all Schedule II controlled dangerous substances and shall submit totals to the Board upon request. (7) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board, and have the results submitted to the Board office. Any positive drug screen result may be grounds for sanctions by the Board. The motion was approved after a unanimous vote in the affirmative. The Board ordered the license reinstated upon the successful completion of certain terms, and then immediately placed the reinstated license on probation for five years, subject to certain terms as identified in the Board Order.

**Diane Hollis Morris (Pharmacist License No. 11525)** Mr. Bourg moved, and Mr. Camp seconded, that should Respondent provide proof before March 31, 2001 of a job offer requiring that she be Pharmacist-in-Charge, that the Impairment Committee be delegated the authority and power to remove the restriction barring Respondent from holding a Pharmacist-in-Charge position should it deem appropriate. The motion was approved after a majority vote in the affirmative. Mr. Burch, Mr. McKay, and Mr. Oubre objected. The Board ordered that should Respondent provide proof of a job offer prior to March 31, 2001 requiring that she be Pharmacist-in-Charge, that the Impairment Committee be delegated the power and authority to modify Article 7 (*Respondent shall not hold a Pharmacist-in-Charge position*) of the Respondent's November 18, 1999 Board Order, as it deems appropriate.

*F. Violations Committee*

Mr. Aron called upon Mr. Dixon for the committee report. Mr. Dixon reported that the committee last met on January 25 in the Board office. The docket for that meeting included nine pharmacists, one pharmacy student, one pharmacy technician, one pharmacy technician applicant, and twenty-one permits. The next meeting of the committee will be March 27 at the Board office. Results of both committee meetings will be presented during the next Administrative Hearing, scheduled for May 17 in the Board office. With no further discussion, Mr. Dixon moved, and Mr. D'Angelo seconded, to accept the committee report. The motion was approved after a unanimous vote in the affirmative.

Mr. Aron recessed the Board for approximately 20 minutes. It was noted that he reconvened the Board at 10:50 a.m. Following his observation that the student body had left the meeting to resume their regular class schedule, he returned to the posted agenda.

*G. Regulation Revision Committee*

Mr. Aron called upon Mr. D'Angelo, who in turn reported on the results of his committee meetings and then updated the Board members on the status of several chapters of regulations that are under revision. Discussion ensued on the issue of generic interchange in relationship to the impending session of the legislature. Mr. D'Angelo moved, and Mr. Burch seconded, that

**Resolved**, that the Board authorize the Regulation Revision Committee to draft and file legislation concerning generic interchange using language and concepts previously approved by the Board.

The motion was approved after a unanimous vote in the affirmative.

*H. Tripartite Committee*

Mr. Aron called upon Ms. Jean for the committee report. She reminded the members that both schools had requested more interaction between students and faculty and board members. This Board meeting was being held in Monroe to accomplish that objective, and there is an intention to meet on the Xavier campus for either the August or November meeting. She expressed appreciation to Dean Bourn from ULM for encouraging the students to attend this meeting as well as for their hospitality toward the Board members. With no further discussion, Ms. Jean moved, and Mr. Oubre seconded, to accept the committee report. The motion was approved after a unanimous vote in the affirmative.

*I. Executive Committee*

Mr. Aron reported on the February 7, 2001 committee meeting. The committee acted on a number of issues, and presented two items for Board action at this time: (1) Ellecya R. McCants requested an exception to the requirements of LRS 37:1202.B.4. Petitioner is a pharmacist originally licensed in Florida and has applied for licensure by examination in Louisiana.

She successfully completed the NAPLEX in November 1999, but was delayed in completing other requirements for licensure. She has now completed all requirements, but the NAPLEX score is more than one year old. The cited law places a one-year limit on examination scores. Following an explanation of the difficulty experienced by this applicant, Mr. Aron moved, and Mr. Landry seconded, that

**Resolved**, that Ellecya R. McCants be granted an exception to LRS 37:1202.B.4, for the purpose of accepting the November 15, 1999 NAPLEX score toward her current application for licensure.

The motion was approved after a unanimous vote in the affirmative. Following the vote, Mr. Landry requested information relative to the differences between California and Florida and the rest of the country relative to licensure by examination and reciprocity.

(2) Pharmacist Wallace Olinde, Jr. has requested a reconsideration of the Board's denial of his request, on behalf of the Northeast Louisiana War Veterans Home in Monroe, Louisiana, for an exception to LAC 46:LIII.3517.A.2, rendered during the last Board meeting. Following verification as to members eligible to request the reconsideration, Mr. Bourg moved, and Mr. Camp seconded, that

**Resolved**, that the Board grant an exception to the Pharmacy Department of the Northeast Louisiana War Veterans Home relative to the recycling of prescription drugs as specified in LAC 46:LIII.3517.A.2.

The motion was approved after a majority vote in the affirmative. Mr. Carmichael objected, and Mr. D'Angelo requested notice of his abstention.

*10. Report of General Counsel*

Mr. Finalet reported there was no pending litigation.

*11. Report of Executive Director*

Mr. Broussard gave updates on both office renovation and staffing changes.

*12. Announcements*

Mr. Broussard reminded the Board members of several calendar notes, especially the tentative dates for the remaining 2001 Board meetings.

*13. Adjourn*

With no further business, Mr. Aron adjourned the meeting at 11:55 a.m.

Respectfully submitted,

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Reuben R. Dixon, Secretary